



COMMONWEALTH OF KENTUCKY

DEPARTMENT OF PUBLIC ADVOCACY

151 Elkhorn Court, Frankfort, Kentucky 40601

(502) 564-8006

January 11, 1988

Major Bobby Stallins
Information Services
1250 Louisville Road
Frankfort, Kentucky 40601

Dear Major Stallins:

As per our phone conversation of Friday, January 8, 1988, I am writing you to request an affidavit concerning the possible use of Identification Unit personnel as "independent" defense experts in the retesting and re-examination of fingerprints obtained during criminal investigations by the police. This affidavit will be used in the direct appeal of the case of Earl Waller v. Commonwealth, Fayette County Indictment No. 86-CR-386-2, hopefully to educate the Supreme Court of Kentucky on the impracticality of appointing state police facilities and personnel as defense experts. As I explained, I am not asking for an opinion on the fingerprint examination results actually given in this case. (In this case, one fingerprint was identified by Detective Robert Hutchinson of the Lexington Police Department as belonging to Mr. Waller. It was the only evidence on which his conviction rested.)

As Lieutenant Larry Fentress of the Legal Department informed me, it is the desire of the state police not to be involved in doing defense testing of evidence, especially where that evidence has already been tested by the state police. I would like a statement which describes the specific problems inherent in this situation.

I have prepared and attached a sample affidavit to give you a better idea of what I want. Of course, feel free to change anything that is incorrect and expand on any areas that are incomplete.

I greatly appreciate your cooperation in this matter. I hope that by working together on this project we can obtain a ruling from the Court that is mutually satisfying to us both.

Major Bobby Stallins
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Please give me a call when the affidavit is completed and I will have the DPA messenger pick it up. As I said on the phone, I need it by Wednesday morning as that is the day my pleading is due. Once again, thanks!

Sincerely,

Kathleen Kallahan

Kathleen Kallahan
Assistant Public Advocate
151 Elkhorn Court
Frankfort, Kentucky 40601

KK/mb

cc: Lt. Larry Fentress